

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUDOLPH CAREY III,

Plaintiff,

v.

Civil Case No. 1:21-cv-1090

NELSON SMITH,¹ in his official capacity as
Commissioner of the Virginia Department of
Behavioral Health and Developmental
Services,

Defendant.

NOTICE OF APPEAL

Plaintiff Rudolph Carey III hereby appeals to the United States Court of Appeals for the Fourth Circuit from this Court's final order granting Defendant's Motion to Dismiss (ECF 19), and from this Court's orders holding in abeyance Plaintiff's Motion to Reconsider Dismissal and Amend Complaint (ECF 24) and denying Plaintiff's Motion to Reconsider Dismissal and Amend Complaint (ECF 29). Plaintiff further appeals any judgment entered against him in this matter.

¹ The current Commissioner is automatically substituted for prior defendant Allison Land. Fed. R. Civ. P. 25(d).

Dated: August 26, 2022

Respectfully submitted,

/s/ Paul Sherman

Paul Sherman (VA Bar No. 73410)

Andrew Ward* (NY Bar No. 5364393)

Michael Greenberg* (DC Bar No. 1723725)

INSTITUTE FOR JUSTICE

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